



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Albuquerque District  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:

2004 00604

Date:

October 27, 2004

Phone:

(719) 543-6914

Suspense Date:

November 17, 2004

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

## PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged material during dredging of Sand Lake (also known as Sands Lake) near Salida, Chaffee County, Colorado. The project will include dredging about 4.5 acres of lake and disposing of the dredged material on an upland field. Details of the proposed project are provided below.

Name of Applicant: Peggy Mott, Colorado Division of Wildlife, 6060 Broadway, Denver, CO 80216, phone 303-291-7398.

Location: The project is located in Sand Lake (also known as Sands Lake) northwest of Salida, Chaffee County, Colorado in Section 32, Township 50N, Range 9E.

Description of Work: To dredge an estimated 9,700 cubic yards of organic material and sediments from the 4.5-acre lake bed. The lake would be slowly drained and allowed to dry prior to dredging. All fish in the lake would be salvaged or released to the Arkansas River. Existing access points to the lake parking lot and a crude boat ramp would be used for access by the dredging equipment. During dredging, the hatchery effluent would bypass Sands Lake to the Arkansas River at the hatchery's historical discharge point and as approved by the hatchery's discharge permit. Dredged material would be hauled in lined trucks to an upland site above the 100-year floodplain, to the Mount Shavano State Wildlife Area, and distributed by means of a disk or harrow to fertilize the crops that are grown there to benefit wildlife. Work is expected to begin in January 2005

and be completed in March 2005.

Purpose and Need: The stated purpose of the project is to remove accumulated organic material. The lake is used as a settling pond before discharging water from the Mount Shavano Fish Hatchery. The hatchery produces whirling disease negative fish. In order to comply with the hatchery's effluent discharge permit, Sands Lake must be periodically dredged to prevent the discharge from the settling pond of accumulated organic material into the Arkansas River. The pond was last dredged in 1994.

Related Work: The Parshall flume measuring structure located on the pipeline which carries effluent from the hatchery to Sands Lake will be rehabilitated. This work does not require a Section 404 permit.

Mitigation Proposed by the Applicant: Impacts to existing vegetation around the perimeter of the lake would be minimized.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Anita Culp  
U.S. Army Corps of Engineers  
Southern Colorado Regulatory Office  
720 North Main Street, Suite 300  
Pueblo, CO 81003-3047  
(719) 543-6914  
Fax No. (719) 543-9475

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the Colorado State Historic Preservation Office (SHPO) has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for Chaffee County, Colorado: Canada lynx (Lynx canadensis)(T), black-footed ferret (Mustela nigripes)(E), American

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bald eagle (Haliaeetus leucocephalus)(T), and Mexican spotted owl (Strix occidentalis lucida)(T). Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office or Southern Colorado Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than November 17, 2004. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced

against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Todd Wang  
Lieutenant Colonel, U.S. Army  
District Engineer

Enclosure